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*Attorney for Defendant, Wayne Ogden*

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UNITED STATES DISTRICT COURT  
CENTRAL DIVISION OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

-VS-

WAYNE REED OGDEN,

Defendant.

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**MOTION TO SUPPRESS**

Case No. 2:11-cr-00543-TS

Judge Ted Stewart

Magistrate Judge Brooke C. Wells

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DEFENDANT TO THE ABOVE-ENTITLED ACTION, Wayne Reed Ogden, by and through his counsel of record, Mary C. Corporon, hereby moves and petitions the above-entitled Court for an Order suppressing all evidence seized, and specifically, all business records of Defendant's business allegedly involved in the crimes charged, because such records were recovered by local, state or federal law enforcement, and obtained from the Defendant in violation of his rights under the United States Constitution, to due process. The records, Defendant alleges, were taken from him under unconstitutional circumstances.

Specifically, Defendant asserts he was kidnapped, held prisoner by and physically assaulted by various private parties. This was encouraged by a government agent or agents

purporting to advise these private parties that they should “take matters into your own hands.” Further, these private parties physically coerced Defendant and his co-defendant and business associates, and their family members, to sign documents to release his and their property interests, including interests in the records of the business in question, all in violation of his rights. Then these witnesses and third parties illegally took his property and turned over the records to the government. Thereafter, the government, though the kidnapping and other criminal coercion was reported to the FBI, refused to prosecute the crimes in order to protect its interests in the evidence. The government is knowingly proposing to use evidence it obtained from persons who used physical coercion, with the governments knowledge to obtain the evidence. The Defendant affirmatively requests that the government designate specifically, how financial records it intends to use as evidence against him, came into the government’s possession, and Defendant requests an evidentiary hearing upon the issues raised in this motion and requests the opportunity to file a more detailed memorandum with the court after presentation of the evidence in support of this motion, for reason that the issues raised are extremely fact sensitive, and the facts must be presented to this Court before the issue can properly be brought before this Court for determination.

DATED this 30th day of December, 2011.

VAN COTT BAGLEY CORNWALL & MCCARTHY, P.C.

/s/ Mary C. Corporon

MARY C. CORPORON  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I served a copy of the foregoing via efilng to:

Mark Hirata  
United States Attorney  
185 South State Street, Suite 400  
Salt Lake City, Utah 84111

on the 30<sup>th</sup> day of December, 2011.

/s/ Tauni Barton

ND: 4820-8429-1854, v. 1